

AMENDMENT
S/N 09/752,272, FILED 01/02/02

PATENT
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REMARKS

The above-referenced Office Action has been carefully reviewed and reconsideration thereof is respectfully requested.

The Examiner has not indicated whether or not the drawings are accepted or objected to by the Examiner. It is respectfully requested that Applicant be given the opportunity to file more formal drawings before any patent is published.

Claims 1-10 have been rejected under 35 USC 112, second paragraph, as being indefinite. It is believed that the above amendments to Claims 1 and 9 fully overcome this ground of rejection.

Claims 1 and 9 have been amended to insert apparatus for moving the seals. No structure (in this case vacuum) for introducing or removing the eluent from the instrument is included because that is not part of the eluter instrument. There is no structure for introducing or removing an SPE medium from the instrument, since those steps can be performed manually.

Claim 1 has been further amended to positively recite the SPE medium.

Claims 1, 3, 5, and 6 have been rejected under 35 USC 102 (a) or (e) as being anticipated by Guirguis et al. Applicant respectfully traverses this ground of rejection in view of the above amendment to Claim 1.

Applicant's Claim 1 now contains the limitations that the areas are eluted sequentially to a single instrument. Guirguis et al. discloses multiple, but similar, flow paths that end up at multiple end points. Guirguis et al. aspirate multiple samples, each sample following a similar pathway, but the multiple samples end up on their own separate microscope slides.

Applicant's claimed invention sequentially elutes different samples to the same end point (*i.e.*, the same instrument).

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Support for this amendment is found, for example, from inspection of Figure 3 and the accompanying text.

Dependent Claims 3, 5, and 6 contain limitations not anticipated when taken with the limitations of the claims(s) from which they depend.

Claims 1,3, 5, and 6 have been rejected under 35 USC 102(b) as being anticipated by Benesi. Applicant respectfully traverses this ground of rejection.

While it is believed that Claim 1 as filed is not anticipated by Benesi, it is respectfully submitted that Claim 1 as amended certainly overcomes this ground of rejection, in that Benesi does not disclose sequentially eluting samples from a plurality of areas.

Dependent Claims 3, 5, and 6 contain limitations not anticipated when taken with the limitation of the claim(s) from which they depend.

Claim 2 has been rejected under 35 USC 103 as being unpatentable over Guiguis et al. or Benesi. Applicant respectfully traverses this ground of rejection.

It is respectfully submitted that the limitation of Claim 2 is not rendered obvious when taken with the limitations of Claim 1 from which Claim 2 depends.

Claims 9 and 10 have been indicated as being allowable if amended to overcome the above Section 112 rejection. It is respectfully submitted that this has been done.

Claims 4, 7, and 8 are indicated as containing allowable subject matter. It is respectfully submitted that the above amendments to Claim 1 have rendered these claims allowable.

In view of the above amendments and remarks, it is respectfully submitted that the claims in the application, Claims 1-10 are allowable and early action in that regard is respectfully requested.

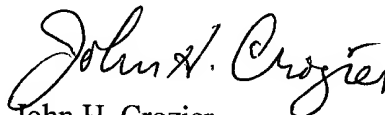
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Should the Examiner have any questions as to the allowability of the claims or have any suggestions with respect to the wording thereof, the undersigned would be grateful for the privilege of a telephone conference with the Examiner.

Date: January 6, 2003.

Respectfully submitted,



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